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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,917	02/20/2004	Tohru Horio	248233US2	5308

22850 7590 09/13/2007  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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MCCULLOUGH, MICHAEL C

ART UNIT	PAPER NUMBER
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3653

NOTIFICATION DATE	DELIVERY MODE
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09/13/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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**Office Action Summary**

Application No.

10/781,917

Applicant(s)

HORIO, TOHRU

Examiner

Michael C. McCullough

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byeon et al. (US 6,381,441 B1) in view of Tamura (US 2001/0022422 A1). Byeon et al. discloses an image reading/forming device (see column 1 lines 21-22), a pick-up device (see Figure 1 elements 55, 56, 57), a drive device that is a pulse motor (see column 8 lines 7-18), at least one detecting device (see Figure 2 elements 91-95), a control device (see Figure 2 element 100), a display device (see Figure 4 S222), and a drive amount that comprises a drive time (see column 7 lines 14-19).

Regarding claims 1, 3, 6, 15, 17, 20, 29, 31, and 34 control logic, see column 8 lines 7-44.

Regarding claims 2, 16, and 30 control logic, see column 7 lines 14-19 and column 8 lines 45-54.

Regarding claims 7, 21, and 35 control logic, see column 3 lines 36-43.

Regarding claims 10, 11, 24, 25, 38, and 39 control logic, see column 7 lines 27-39 and column 3 lines 19-35.

Byeon et al. does not disclose a separating device comprising a rotary member and an obstructing member.

However, Tamura discloses a similar device that includes a separating device comprising a rotary member (5) and an obstructing member/equivalent

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means for obstructing (4) for the purpose of only conveying the uppermost sheet to a downstream path and returning the other sheets to a cassette (see Paragraphs 0064 and 0065). It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Byeon et al. by utilizing a separating device comprising a rotary member and an obstructing member, as disclosed by Tamura, for the purpose of only conveying the uppermost sheet to a downstream path and returning the other sheets to a cassette.

### ***Response to Arguments***

2. Applicant's invocation of 35 U.S.C. 112 6<sup>th</sup> Paragraph with respect to the "means for obstructing feeding", on page 26 of the reply filed 27 June 2007, is acknowledged. The rejection of Byeon et al. in view of Hirota et al. has been withdrawn. However, Byeon et al. in view of Tamura discloses the all of the limitations above and an equivalent means for obstructing that is a roller. Farther, the equivalent means for obstructing performs the identical function, see above, specified in the claim in substantially the same way and produces the same results as the corresponding means for obstructing as disclosed by the specification.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. McCullough whose telephone number is (571) 272-7805. The examiner can normally be reached on Monday-Friday, 7:00 am - 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCM



PATRICK MACKEY  
SUPERVISORY PATENT EXAMINER  
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